

REMARKS

The Examiner is thanked for the personal interview granted to the inventor and applicant's attorney on 06 March 2007.

Claims 15 and 19 have been canceled herein without prejudice or disclaimer.

Claims 1-14 and 16-18 have been withdrawn from consideration and are recited in U.S. application Serial No. 11/586,746, a divisional application of the present application.

Claims 15, 19-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *McCoy* ('460 or '772) or *Nau* ('949) in view of two Japanese publications and *Kust* ('110) and *Woether* ('171).

Admittedly, the prior art, cited by the Examiner, teaches the individual components of applicant's plant nutrient composition, however it is submitted that none of the cited references individually suggests or discloses a plant nutrient composition which has metal oxide, lime, clay and a sugar solution, is compacted under pressure at elevated temperatures to form a sucrate and then milled to form particles (see page 5, lines 17-20). Even though the primary cited references disclose sugar, oxide forms of metal which are ground and the secondary references teach the use of clay and lime with wax coatings, the suggestion of having a product from the process of compacting the ingredients at an elevated temperature of 170°F and a pressure of 100 tons to form sucrares is not present in any of the references. As a result of this compaction, the present invention provides a greater concentration of active ingredient per unit volume. This feature is not shown by the prior art and is a significant inventive feature which produces a product different from the prior art which cakes and is not free flowing. The compaction step is a material limitation which changes the nature of the final product. This change provides advantages to the product of the present invention which

are recognizable by persons skilled in the art; i.e., a smaller volume of the compacted product of the present invention is needed to obtain the same effect as compared with the prior art. This becomes an economic advantage of the present invention. As stated in the specification (page 6), the metal reacts with the sugar under these conditions to form sucrates. This plant nutrient of the claims, as amended, is unobvious from the plant nutrients disclosed in the references.

It is further submitted that *McCoy* ('460) is dated 1971, the Japanese references are dated 1975 and 1976, *Woerther* is 1963, *Kust* is 1999 and *McCoy* ('177) is 1996. These references have been known for approximately 40 years and no one has combined them in the manner suggested by the Examiner. *McCoy* and *Kust* had the benefit of knowledge of the prior art and are persons knowledgeable in the field of fertilizers, but they did not arrive at the composition claimed by the present applicant. It is submitted that the only way to combine the cited seven (7) references is by impermissible hindsight.

In summary, the applicant's product is produced by a process in which the temperature and pressure of compaction are critical and unobvious. The product produced has properties which distinguish it from the plant nutrients described in the prior art. The product has a higher concentration of active ingredient per unit volume than the references cited by the Examiner. All of the claimed limitations are disclosed in the specification. There is no new matter in the amended claim as seen for example on specification page 5, last paragraph.

Accordingly, allowance of claims 20-26 is respectfully requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, she is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

March 8, 2007
Date

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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